

Responses to Client Behavior:

Rethinking Incentives and Sanctions®

Alabama Association of Drug Court Professionals
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*Based on Work by
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- Why Can't People Just Change When it is Obvious that Change is Needed?
- Change is hard!



For the alcoholic/addict

- Remaining addicted becomes easier than trying to change
- Recovery from addiction is a journey that takes time and effort and is often filled with false starts and failed attempts
- Our goal is aid the alcoholic/addict to promote change through incentives, sanctions and motivational interviewing

Target Behaviors

Initial Behaviors and Attitudes:

- Defiant, Uncooperative, Suspicious
- Positive Tests
- Denial
- Stage of change: pre-contemplative or contemplative
- Withdrawn/ non-communicative
- Low self-esteem/confidence

Target Behaviors

Behaviors and attitudes near end of program:

- Communicative
- Self-Aware
- Improved self-esteem
- Maintenance Stage of change
- Aim to Please
- Open
- Greatest folks in the world

What are our Expectations?

- Abstain from drug and alcohol use
- Show up to Court
- Go to Treatment
- Take Random Urine Tests
- See Probation and/or Case Manager.
- Pay for some of the above
- Job
- Literacy—GED
- **Positive Attitude**

Proximal and Distal Behavior

Do we emphasize certain target behaviors during different phases of the program?

- What Behaviors?
- Why?
- How do we respond to show that emphasis?

The purpose of sanctions and incentives is to keep participants...

Engaged in Treatment

Length of time is key: The longer a patient stays in treatment, the better they do.

Coerced patients tend to stay longer

Judicial Toolkit



Punishment is not the Goal in the Imposition of Sanctions;

Changing Behavior Is.

Drug Court responses to participant behavior:

Incentives

Sanctions

Treatment Responses

Types of Sanctions

Punishment

“Any consequences of a specific behavior that reduces the likelihood that the behavior will be repeated, or repeated at the same rate, in the future” (Marlowe, 1999).

Negative Reinforcement

“The removal of a sanction contingent on a target behavior, which has the effect of increasing that behavior” (Marlowe, 1999).



Negative Reinforcement differs fundamentally from punishment in that negative reinforcement focuses on increasing desirable behavior rather than on decreasing undesirable behavior.

Pre-trial or pre-sentencing diversionary programs exemplifies negative reinforcement, and not punishment.

What Does Advanced Behavioral Research Tell Us About Motivating Behavior Change?

1. Re-State the Principle (What)
2. Explain the rationale/theory and the research behind the principle (Why)
3. Identify at least one way this applies to the Drug Court model (How)

1. Sanctions Need Not Be

Painful
Humiliating
Injurious

Harrell, A., & Roman, J., (2001); Brennan P., Mednick S., (1994); Murphy *et al.*, (2001); Sherman, L.W. (1993)

2. Responses Are in the Eye of the Behaver

Not all punishments are painful, and not all painful events are punishing.

Petersilla, J. and Dechane, E. (1994)

Is incarceration always perceived as the harshest penalty by offenders?

Contrary to expectations, incarceration is not necessarily viewed as the harshest punishment. Offenders preferred 12 months incarceration to:

halfway house (6.7%)

probation (12.4%)

day fines (24%)

Wood, P. B., & Grasmick, H. G. (1995). "Inmates Rank the Severity of Ten Alternative Sanctions Compared to Prison." Oklahoma Department of Corrections. www.doc.state.ok.us/DOCS/OCJRC/OCJRC05/050725i.htm See also Petersilla, J. and Deschane, E., "What Punishes? Inmates Rank the Severity of Prison v. Intermediate Sanctions?" *Federal Probation*, Vol. 58, No. 1 (March 1994).

Different Strokes for Different Folks

1. Similar sanctions have completely different effects depending upon the social situation and offender type.
2. Different treatment modalities can increase or decrease criminality depending on offenders' personality type and the type of treatment.
3. Criminal sanctions may decrease criminality in employed offenders but increase it in unemployed offenders.
4. Threat of criminal sanctions deters future criminality in people who are older and have more to lose.

See Sherman, L. W. (1993). "Defiance, deterrence, and irrelevance: A theory of the criminal justice sanction." *Journal of research in crime and delinquency*, 30 (4), 445-473.

3. Responses Must be of Sufficient Intensity

Subjected to punishment at low to moderate intensities, both animals and human beings can become habituated (accustomed) to being punished or threats of punishment.

Marlowe, B. D., Kirby, K., (1999)

Smart Sanctions

The imposition of the minimal amount of punishment necessary to achieve program compliance.

Graduated Sanctions

The intensity of sanctions increases with the number and seriousness of program non-compliance.

Although Drug Courts recognize that individuals may relapse, AOD use is never condoned, and there is always a response to both compliance and non-compliance.

**Relapse is part of addiction,
not recovery**

PROGRAM TERMINATION

- Threat to public or staff safety
- Virtually never appropriate for continued use
- Written in policy and procedure manuals
- Drug Courts Make Final Failure and Expulsion From the Program Difficult for the Participant to Achieve

4. Responses Should Be Delivered for Every Infraction

The smaller the ratio of punishment to infractions, the more consistent and enduring is the suppression of the undesired behavior.

Azrin, N. and Holz, W., (1966)

Outcomes demonstrate that offenders who received sanctions on a continuous schedule evidenced a significantly lower arrest rate than those offenders who received intermittent sanctions.

Brennan, P. and Mednick, S. "Learning Theory Approach to the Deterrence of Criminal Recidivism." Vol. 103, *Journal of Abnormal Psychology*, pp. 430-440 (1994).

Reliable Monitoring

- Nothing spells disaster more for a drug court than failing to detect and redress negative behaviors or failing to recognize and reward positive accomplishments.
- Urine testing
- Every behavior receives a response
- Off-hours supervision
- "Catch" them doing something right

5. Responses Should be Delivered Immediately

Delay in imposition of sanctions can allow other behaviors to interfere with the message of the sanction.

Dayan, P., & Abbott, L.F. (2001); Marlowe, D., Kirby, K., (1999); Higgins, S.T., & Silverman, D., (1999)

6. Undesirable Behavior Must be Reliably Detected

Failure to uncover an infraction is, in behavioral terms, functionally equivalent to putting the individual on an intermittent schedule.

Higgins, S. T., & Silverman, K., (1999); Marlowe, D., Kirby, K., (1999); Torres, S. (1998)

7. Responses Must Be Predictable and Controllable

Perceived certainty of response has a deterrent affect. Perception is based not only on what does occur but what the participant expects will occur.

Harrell, A. & Roman, J., (2001); Burdon, W., *et al.*, (2001) Higgins, S.T., & Silverman, K. (1999)

8. Responses May Have Unintentional Side Effects

Learned Helplessness
Frequency of Court Contacts
Extrinsic Rewards for Intrinsic Motivations

Marlowe, B. D., *et al.*, (2002); Higgins, S.T., & Silverman, K. (1999); Deci, E.L., *et al.*, (1999)

Learned Helplessness

Failure to specify particular behaviors that are targeted and the consequences for non-compliance can result in a behavior syndrome known as “learned helplessness where a drug court participant can become aggressive, withdrawn and/or despondent.”

Marlowe, D. B., & Kirby, K. C. (1999). “Effective Use of Sanctions in Drug Courts: Lessons From Behavioral Research.” *National Drug Court Institute Review*, II (1), 11-xxix.

Response Predictability

- Use of Phase Progression
- Participant Handbook
- Policy and Procedures Manuals
- Courtroom as Theater

9. Behavior Does Not Change by Punishment Alone

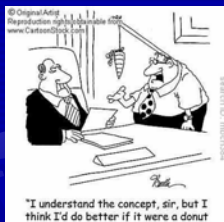
Positive Reinforcement

Rewards the client in his/her natural social environment to ‘capture’ positive behavior, (i.e. payment vouchers).

Most of today’s clinical textbooks conclude that positive reinforcement is far preferable for changing behavior than punishment.

Marlowe, B.D., 1999; Higgins, S.T. & Petry, N.M. 1999; Higgins, S.T. & Silverman, K., 1999

Behavior does not change by punishment alone



The Carrot Is Mightier Than the Stick

- Those in reinforcement contingency stayed longer in treatment than those in punishment
- Effects of punishment are transitory- change ends when punishment ends
- Punishment most effective when used with positive reinforcement

Higgins, S. T., & Silverman, K. (1999). *Motivating Behavior Change Among Urban Drug Abusers*. Washington, D.C.: American Psychological Association, p. 330

Incentives

A positive consequence that is the direct result of and is a reward for the offender's positive behavior.

Reward productive activities that are incompatible with crime and drug use.

10. Method of Delivery

- Fairness is Key
- Empathetic communication can improve participant satisfaction

• Andreoni, J., *et al* (2001); Hubble, M.A., Duncan, B.L. & Miller, S.D. (1999)

Method of Delivery is Key

Placebo effects

Motivational Interviewing

Hubble, M.A., Duncan, B.L., & Miller, S.D. (1999); Miller, W.R., Benefield, R.G., & Tonigan, S. (1993); Rollnick, S., & Miller, W.R. (1995)

Principles of MI

- Express empathy
- Develop discrepancy
- Avoid argumentation
- Roll with resistance
- Support self-efficacy
- Use open-ended questions, playbacks and affirmations

Resources

- [NDCI Incentives and Sanctions training](#)
- <http://motivationalinterview.org>
- Miller and Rollnick, *Motivational Interviewing: Preparing People for Change* (New York, Guilford Press 2002)